

# PUBLIC LAWS OF MAINE

## Second Special Session of the 121st

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### PART B

**Sec. B-1. 13 MRSA §1267**, as enacted by PL 1995, c. 474, §1, is amended to read:

#### **§1267. Penalties**

~~Any A person who is subject to criminal prosecution under Title 17-A, chapter 15 if the person violates section 1264 or 1265 commits theft according to the classifications set forth in Title 17-A, section 362. Any A~~ person who violates section 1266 commits a civil violation and is subject to for which a fine of not less than \$100 and not more than \$500 may be adjudged.

**Sec. B-2. 15 MRSA §5821, sub-§7**, as amended by PL 1999, c. 349, §1, is further amended to read:

**7. Real property.** Except as provided in paragraph A, all real property, including any right, title or interest in the whole of any lot or tract of land and any appurtenances or improvements, ~~which~~ that is used or intended for use, in any manner or part, to commit or to facilitate the commission of a violation of Title 17-A, section 1103 ~~or 1105, 1105-A, 1105-B or 1105-C~~, which is a Class A, Class B or Class C crime, with the exception of offenses involving marijuana.

A. Property may not be forfeited under this subsection, to the extent of an interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner. When an owner of property that is that person's primary residence proves by a preponderance of the evidence that the owner is the spouse or minor child of the coowner of the primary residence who has used or intended to use the residence, in any manner or part, to commit or facilitate the commission of a violation of Title 17-A, section 1103 ~~or 1105, 1105-A, 1105-B or 1105-C~~, the State shall bear the burden of proving knowledge or consent of the spouse or minor child by a preponderance of the evidence;

**Sec. B-3. 17-A MRSA §1105-A, sub-§1, ¶¶I and J**, as amended by PL 2003, c. 1, §7 and c. 476, §1, are repealed and the following enacted in their place:

I. At the time of the offense, the person trafficks in 300 or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin, or any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains 8,000 milligrams or more of oxycodone or 1,000 milligrams or more of hydromorphone. Violation of this paragraph is a Class A crime;

J. At the time of the offense, the person trafficks in a quantity of 300 or more pills, capsules, tablets or units containing 3, 4-methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O. Violation of this paragraph is a Class A crime;

**Sec. B-4. 20-A MRSA §5201, sub-§3, ¶F**, as enacted by PL 2003, c. 116, §1, is amended to read:

F. A person who obtains a waiver from the commissioner pursuant to section 5206 may enroll as a public secondary school student.

**Sec. B-5. 20-A MRSA §15612, first ¶**, as amended by PL 1989, c. 697, §1 and affected by §5, is repealed.

**Sec. B-6. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 2003, c. 395, §2 and c. 477, §13, is repealed and the following enacted in its place:

A. A voter may challenge another voter only upon personal knowledge or a reasonably supported belief that the challenged voter is unqualified. Only the following reasons for challenges may be accepted by the warden. The challenged person:

(1) Is not a registered voter;

(2) Is not enrolled in the proper party, if voting in a primary election;

(3) Is not qualified to be a registered voter because the challenged person:

(a) Does not meet the age requirements as specified in sections 111, subsection 2 and section 111-A;

(b) Is not a citizen of the United States; or

(c) Is not a resident of the municipality or appropriate electoral district within the municipality;

(4) Registered to vote during the closed period or on election day and did not provide satisfactory proof of identity and residency to the registrar pursuant to section 121, subsection 1-A;

(5) Did not properly apply for an absentee ballot;

(6) Did not properly complete the affidavit on the absentee return envelope;

(7) Did not cast the ballot or complete the affidavit before the appropriate witness;

(8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;

(9) Did not have the ballot returned to the clerk by the time prescribed;

(10) Voted using the name of another;

(11) Committed any other specified violation of this Title; or

(12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable.

**Sec. B-7. 26 MRSA §628, last ¶**, as enacted by PL 2001, c. 304, §2, is amended to read:

The Department of Labor shall annually report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section. The report must be issued annually on Equal Pay Day as designated pursuant to Title 1, section ~~140~~ 145.

**Sec. B-8. 29-A MRSA §101, sub-§32-A**, as amended by PL 2003, c. 397, §1 and c. 414, Pt. B, §41 and affected by Pt. D, §7, is repealed and the following enacted in its place:

**32-A. Low-speed vehicle.** "Low-speed vehicle" means a 4-wheeled automobile that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and does not exceed 1,800 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section 13001. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500, as amended.

**Sec. B-9. Effective date.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 29-A, section 101, subsection 32-A takes effect August 31, 2004.

**Sec. B-10. 29-A MRSA §2251, sub-§11**, as amended by PL 2003, c. 414, Pt. B, §46 and affected by Pt. D, §7 and amended by c. 434, §28 and affected by §37, is repealed and the following enacted in its place:

**11. Exemption.** The operator of a snowmobile or an all-terrain vehicle as defined by Title 12, section 13001, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title, is exempt from the reporting requirements of subsection 2.

**Sec. B-11. Effective date.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 29-A, section 2251, subsection 11 takes effect August 31, 2004.

**Sec. B-12. 36 MRSA §1760, sub-§23-C, ¶A,** as amended by PL 2003, c. 390, §10 and c. 414, Pt. B, §61 and affected by Pt. D, §7, is repealed and the following enacted in its place:

A. Motor vehicles, except automobiles rented for a period of less than one year, all-terrain vehicles and snowmobiles as defined in Title 12, section 13001;

**Sec. B-13. Effective date.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 36, section 1760, subsection 23-C, paragraph A takes effect August 31, 2004.

**Sec. B-14. 38 MRSA §423,** as amended by PL 2003, c. 277, §3 and c. 414, Pt. B, §70 and affected by Pt. D, §7 and repealed and replaced by c. 452, Pt. W, §6 and affected by Pt. X, §2, is repealed and the following enacted in its place:

**§423. Discharge of waste from watercraft**

**1. Discharge from watercraft prohibited.** A person, firm, corporation or other legal entity may not discharge, spill or permit to be discharged sewage, septic fluids, garbage or other pollutants from watercraft:

A. Into inland waters of the State;

B. On the ice of inland waters of the State; or

C. On the banks of inland waters of the State in a manner that the pollutants may fall or be washed into the waters or in a manner in which the drainage from the banks may flow into the waters.

**2. Holding tank required.** A person, firm, corporation or other legal entity may not operate upon the inland waters of the State a watercraft that has a permanently installed sanitary waste disposal system if it does not have securely affixed to the interior discharge opening of the sanitary waste disposal system a holding tank or suitable container for holding sanitary waste material so as to prevent its discharge or drainage into the inland waters of the State.

**3. Watercraft defined.** For the purposes of this section, "watercraft" has the same meaning as provided in Title 12, section 7791, subsection 14, except that "watercraft" includes houseboats. This subsection is repealed August 31, 2004.

**4. Watercraft defined.** For the purposes of this section, "watercraft" has the same meaning as provided in Title 12, section 13001, subsection 28, except that "watercraft" includes houseboats. This subsection takes effect August 31, 2004.

**Sec. B-15. Effective date.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 38, section 423 takes effect July 1, 2004.